

ARIZONA BAIL BONDSMEN ASSOCIATION

842 E Isabella Ave #101

Mesa AZ 85204

480-560-4390

John Burns
President

Leigh Dunham
Treasurer

Proposed Amendment Exoneration of Appearance bond-Remission

TAB 3

SPONSORED BY SENATOR ANTENORI

Last Updated: October 10, 2011

Sec. 3. Section 13-3974, Arizona Revised Statutes, is amended to read:

13-3974. Exoneration of appearance bond - REMISSION

- A. A surety ~~may~~ **SHALL** be relieved from liability on an appearance bond if the surety surrenders the defendant into the custody of the sheriff of the county in which the prosecution is pending **PRIOR TO FAILURE TO APPEAR** and the sheriff **OR BAIL AGENT** reports the surrender to the court **ON A SURRENDER AFFADAVIT**.**
- B. A SURETY OR LAW ENFORCEMENT THAT SURRENDERS THE DEFENDANT WITHIN 90 DAYS AFTER A FAILURE TO APPEAR SHALL BE RELIEVED FROM LIABILITY ON APPEARANCE BOND.**
- C. A SURETY OR BAIL AGENT CAN REQUEST BY AFFADAVIT 14 DAYS PRIOR TO FORFEITURE HEARING TO THE COURT FOR AN ADDITIONAL 90 DAYS TO LOCATE AND SURRENDER THE DEFENDANT TO CUSTODY. THE JUDICIAL OFFICER SHALL GRANT THE EXTENSION IF THE SURETY CAN SHOW THEY ARE ACTIVELY SEARCHING FOR THE DEFENDANT. TEN PERCENT (10%) OF THE SECURED APPEARANCE BOND SHALL BE FORFEITED FOR THE EXTENSION.**
- D. A SURETY THAT CANNOT LOCATE DEFENDANT AND RETURN TO CUSTODY WITHIN 180 DAYS FROM THE DATE OF THE FAILURE TO APPEAR WILL PAY THE REMAINING 90% OF THE SECURED APPEARANCE BOND.**
- E. A SURETY WHO SURRENDERS THE DEFENDANT AFTER THE 180 DAYS FROM THE DATE OF THE FAILURE TO APPEAR IS ENTITLED TO REMISSION OF 50% OF THE BOND AMOUNT IF SURRENDERED INTO CUSTODY WITHIN ONE YEAR FROM THE DATE OF THE FAILURE TO APPEAR.**